VZCZCXRO9659 RR RUEHBI RUEHCI DE RUEHKA #0997/01 0581008 ZNR UUUUU ZZH R 271008Z FEB 06 FM AMEMBASSY DHAKA TO RUEHC/SECSTATE WASHDC 5617 INFO RUEHNE/AMEMBASSY NEW DELHI 8898 RUEHCI/AMCONSUL CALCUTTA IN RUEHCG/AMCONSUL CHENNAI 0842 RUEHBI/AMCONSUL MUMBAI 0199 RUEHKT/AMEMBASSY KATHMANDU 8389 RUEHLM/AMEMBASSY COLOMBO 7305 RUEHIL/AMEMBASSY ISLAMABAD 0970 RUEHRH/AMEMBASSY RIYADH 0332 RUEHKU/AMEMBASSY KUWAIT 0203 RUEHDO/AMEMBASSY DOHA 0184 RUEHMS/AMEMBASSY MUSCAT 0018 RUEHAD/AMEMBASSY ABU DHABI 0916 RUEHPNH/NVC PORTSMOUTH 2732

UNCLAS SECTION 01 OF 08 DHAKA 000997

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DEPT FOR CA/FPP DEPT PASS TO KCC

E.O. 12958: N/A

TAGS: <u>CMGT KFRD ASEC CVIS CPAS BG</u> SUBJECT: FRAUD SUMMARY - DHAKA

REF: (A) CHENNAI 173(B) 05 DHAKA 779 (C)05 DHAKA 2242(D) 05 STATE 205073

¶1. SUMMARY. Dhaka is a high fraud post with a full-time FPM and a busy FPU. Fraud, especially in IV and DV cases, is a daily occurrence for adjudicators, and is most often found in ages of children, marital status, and qualification for the DV program. Most Bangladeshi documents are unreliable, necessitating frequent field investigations. Bangladeshi officials, at times, issue sue

certificates or other documents containing fraudulent information to visa applicants as a favor. Post continues to expand our contacts with local police and immigration services, and our new A/RSO-I is making important progress in this area. END SUMMARY

COUNTRY CONDITIONS: Bangladesh is a developing country of more than 150 million people living in an area roughly the size of Wisconsin. More than a third of the population lives below the poverty line, and the current per capita income is about \$390. More than 60% of the population is involved in agriculture which accounts for about 25% of GDP. The national growth rate of about five percent for the past decade has not been sufficient to reduce poverty for the majority of Bangladeshis. The cost of living (rent and food) for the poor and middle class is roughly double that of Kolkata in the state of West Bengal in neighboring India, and there is general economic insecurity at all levels of society. Infrastructure, especially road infrastructure, is poor outside of main cities and towns. This, combined with terrain and climate considerations, makes the conduct of field investigations a difficult task.

The vast majority of Bangladeshis are Bengalis though small minorities of non-Bengalis, the tribal groups, also live in Bangladesh. 90% of the population is Muslim, 7% are Hindu, and the remaining 3% are a mix of Christians, Buddhists, and other religions. Although a Muslim country, personal status laws are based on ones religion. However, some civil laws are in contradiction to traditional Islamic sharia, which presents some interesting challenges in evaluating marriages, divorces, and adoptions.

Bangladesh is a multi-party democracy, though the political scene

is dominated by the two main parties, the Awami League (AL) and the Bangladesh Nationalist Party (BNP). A BNP-led coalition of three Islamic parties is currently in power, but the country will hold elections later this year. The past several years have been turbulent as the opposition and the government have fought tooth-and-nail over just about every issue. The AL-led opposition actually walked out of the Parliament more than a year ago and opposition lawmakers have only recently returned. The confrontational nature of politics between the two major parties and an unsettled law-and-order situation leave many Bangladeshis uncertain about the long-term prospects for the country. Politics are rough-and-tumble, and over the past year, there have been several sensational assassinations of Awami League leaders and several as yet unsolved grenade attacks on senior AL leaders. However, in general, all political parties, even minor ones, are relatively free to organize and operate, and the press has a great deal of freedom to publish.

Bangladesh has a long history of large-scale labor export, both legal and illegal, with millions of men and women working abroad, principally in the Persian Gulf (over a million in Saudi Arabia alone, according to the Saudi Embassy) and in South/Southeast Asia. The government actively promotes international manpower export and has an official government ministry (Ministry of Expatriate Welfare) tasked to support the export of labor and the remittance of wages. Remittances are an important element of the Bangladeshi economy, and we feel this leads the government to look with little enthusiasm on proposals to repair systemic weaknesses in the issuance of documents and entry/exit controls. We believe that this national interest on working abroad is one of the main reasons that we receive little or no cooperation from local police on the arrest and prosecution of document vendors and forgers.

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The government has little effective control over the issuance of official documents, such as birth certificates and marriage and divorce certificates, making such documents easy targets for abuse and fraud. Regulatory controls over these documents are so lax that true counterfeits are rare since it is quite easy to obtain a genuinely-issued document containing any information desired by the visa applicant. Except for some birth documents issued by the larger city corporations and municipalities, official documents are not printed on security paper and do not incorporate even the most basic security features. Controls over passport issuances are equally weak, and the government has no centralized control over or records of passport issuances. Post has uncounted examples of Bangladeshis obtaining legitimate travel documents in fraudulent names or with fraudulent dates of birth or listing fraudulent parents. We also have many cases where Bangladeshis have obtained multiple passports in multiple identities. The record currently stands with one enterprising chap who is known to have 17 different passports in five different identities. Although Post has been working with the Home Ministry on a machine-readable passport (MRP) project, it is unclear when the program will actually commence. Furthermore, without great institutional controls over issuances, the situation will only come to mirror India, where hi-tech passports are easily available in a fraudulent identity. (Ref A)

13. NIV FRAUD: Although Dhaka is a high-fraud Post, window fraud on the NIV line is generally unsophisticated and obvious. Given that most documents are considered unreliable, officers rely more on effective lines of questioning during interviews. Dhaka sees the usual array of fake bank and employment letters and invitations, but we believe that our effective new officer orientation and proactive FPU give the officers the needed tools to recognize and deal with such cases. Our FPU has good relations with most major banks and this is invaluable in detecting or confirming fraudulent bank documents. In 2005, we encountered only 1 washed NIV, but we are aware of 2 incidents of counterfeit NIVs. We worked closely with our A/RSO-I to open an investigation of the counterfeiter, and our A/RSO-I continues to work with local police on these cases. On several instances, the NIV unit has reported receiving inquiries from individuals who

wanted to verify that their visas are genuine. Suspecting the worst, we always tell such callers that they have to bring their visas in to the Embassy for us to verify the documents. Unsurprisingly, no one has yet appeared to verify their visa.

Though Dhaka is a low-volume H1B and L visa country, most of our serious NIV fraud is found in the H1B/H4 category. We have some trouble with H1B renewals for smaller, less well-known companies where questions may exist regarding the H1B applicants work history or the basic legitimacy of the petitioner. However, most of our fraud occurs in cases of first-time applicants from Bangladesh. We regularly see applicants who present either fake ke

university degrees from Bangladeshi or Indian schools or vastly overstated work experience coupled with suspect certificates from various IT training institutes. We also have difficulties with H4 applicants. Since Bangladesh is country with a long tradition of settled, i.e. arranged, marriages, it is not uncommon to have a wife apply for an H4 who literally met her husband on their wedding day. Then after spending a brief honeymoon with him, she waved goodbye as he flew back to the US. It is difficult to differentiate between legitimate settled marriages and marriages strictly for immigration purposes. This problem is also common with IV and DV cases and is discussed more fully in the IV section.

R1s are also a problematic visa category as every year we see many questionable R1 applicants seeking to go to the US to lead Ramadan prayers. Most of these applicants have the most nebulous of qualifications and employment histories, and FPU checks most ost.

often reveal that their qualifications are, at best, generously overstated. We find in some cases that the real sponsor is often a relative who sits on the management committee of the mosque offering the invitation.

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Finally, Post also sees a number of Bhutanese NIV applicants who are trying their luck in Dhaka instead of in New Delhi or Kolkata. It is difficult to identify fraudulent B1/B2 applicants because of a lack of knowledge about Bhutan and the lack of a common language, so most applicants are merely 214b. We have experienced some problems with fraudulent R1 applications. For example, one group of 10 applied last year under the leadership of two monks, one who had led another such group to the US and the other with extensive travel in Europe. The group was supposed to teach traditional Buddhist religious dance, song, and prayers at a Buddhist center in Maryland. However, we found that two of the religious workers had previously applied in New

Delhi for B1/B2 visas. We also found that, when asked to demonstrate their prayers and religious songs and dances, half of the group were just lip-synching or were too sick to dance. Finally, we found that the monk who had traveled to the US had forgotten to bring his three traveling companions back to Bhutan when he left the US. As an added note, IDENT hits revealed that two of these characters later applied for visas to attend a dairy conference in Wisconsin, using different employment histories and slightly different DOBs.

14. IV FRAUD: IV fraud occupies the majority of the FPUs effort. We see all types of fraud in all visa categories. In particular, we see a large amount of age fraud among applicants claiming to be less than 21 years of age, marriage fraud, and employment visa fraud. With the relative lack of security of most Bangladeshi documents, official or not, it is very easy for applicants to obtain fake or fraudulent documents to support

their claims. FPU investigations uncover many instances where responsible officials were aware that the documents they were issuing contained fraudulent information, but they did it to help [the applicants] travel to the US.

We see age fraud both with principal applicants and with derivatives, though CSPA has reduced the number of age fraud

cases that we pursue. Since birth certificates are generally not reliable and most births are late registered a few months before a petition is filed, we generally rely on secondary documents, such as school certificates, to corroborate the applicants claimed date of birth. FPU investigations uncovered document fraud, either in the form of forged certificates or certificates with fraudulent information that is not supported by the schools records, in more than 80% of cases involving suspected age fraud. It is not uncommon to find cases where a school head master admits that a certificate was issued as a favor to an applicant, nt,

sometimes with a fake date of birth and other times for applicants who never actually studied at the school. We also use a bone-age test (Ref B) as an initial screen for possible age ${\sf a}$ fraud, though we apply a generous margin of error. Using the results of the test, we have elicited dozens of confessions from applicants and petitioners. Usually the fraud is only a few years, though in extreme cases, we have seen misrepresentations of 10 or more years in dates of birth. However, equally important, with a positive result, we have been able to quickly return many cases to IV where an officer initially had some doubt about a child applicants age. In all fairness to applicants, many people do not really know their dates of birth. In the past, birth registration was never a priority and late registrations were the norm rather than the exception. Only when it was necessary, for example at school registration, would a date of birth be established, hence the popularity of January 1 as a DOB in Bangladesh. The government is taking steps to require birth registration within a year of birth, but that is very much a work in progress.

In marriage fraud cases, we see fraudulent marriages, cases where one spouse did not properly divorce his/her spouse in Bangladesh before marrying again (usually found in IR2 step-child case), or cases where an applicant hid an existing marriage during an F2A or F2B application. Most cases involve AmCits or LPRs who were born in Bangladesh and are seeking a Bangladeshi spouse. They

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ask their relatives to find a suitable spouse, and once the matter is settled, they fly to Bangladesh for a wedding. As previously mentioned with H4 cases, this tradition of settled marriages poses difficulties for adjudicators. Since it is not unusual for a spouse, especially a new wife, to know almost nothing about their partner, we rely heavily on secondary evidence to establish the bona fides of the marriage. Marriages in Bangladesh are major social events, often times with several sub-events and attended by many guests, sometimes several hundred. In case of legitimate marriages, there will usually be a bonanza of secondary evidence, such as photos, videos, invitations, cards, etc., to back up the marriage. In most of our cases with fraud, the lack of secondary evidence was one of the initial red flags. We are also seeing a rise in the number of cases of marriages where a US spouse, usually a man, met the Bangladeshi spouse, usually a woman, through the Internet, though the total number of these cases remains low.

We encounter both counterfeit and fraudulent marriage documents and insufficient marriage documents, most often in the form of Marriage Affidavits, which are not sufficient, in any case, to serve as legal proof of marriage, except for Hindus and Buddhists. In some cases, applicants present completely counterfeit marriage documents, but at times, as with education n

documents, we find cases where a marriage registrar issues a fraudulent marriage certificate as a favor to the applicant. These cases are generally identifiable as suspect because they usually lack any secondary evidence. While it is rare to find a case where an FPU document check uncovers a fake marriage document but the case presents strong secondary evidence, it is not uncommon for FPU neighborhood and documents checks to come back as genuine in cases without strong secondary evidence. We also routinely see cases involving counterfeit, fraudulent or insufficient divorce documents. As with marriage documents, some involve true counterfeits, but some involve fraudulent documents given as a favor to the applicant. We also see cases where a

claim of divorce is based on an affidavit of divorce without a corresponding official divorce certificate from a court or an office authorized to register divorces. A bare divorce affidavit is not sufficient in Bangladesh for any type of divorce, and the presence of a bare affidavit is a key fraud indicator. We have a nearly 100% fraud rate in cases of divorce affidavits, most often in cases of IR2 step-children.

Historically, most of our E3 cases have been fraudulent, especially for Indian specialty cooks. Over the past several years, there have been several well-publicized cases of immigration lawyers who confessed to large-scale abuse of such visas on behalf of their clients, including many Bangladeshis. Although the overall number of E3 principals applying for visas is very low, most E3 cases are referred to the FPU for investigation. We also process a large number of follow-to-join cases for E3 derivatives. In these cases, we focus primarily on age fraud concerns, though with the generous relief offered by CSPA, most applicants will qualify as children.

Post receives a number of requests each year from DHS adjudicators in the various service centers or in CIS offices for document verification, generally for marriage and divorce documents and work certificates. In 2005, we completed 17 investigations for DHS, and in 12 cases, we determined that the applicant had submitted fake documents. Half of the bad cases were marriage or divorce document checks, and the other half were work certificates.

15. DV FRAUD: Bangladeshis are enthusiastic participants in the DV program. For the past five years, Bangladeshis have submitted more entries than anyone else, and Bangladesh perennially ranks in the top 5 for DV winners. Unfortunately, Bangladeshis are equally enthusiastic about DV fraud, and our DV unit faces a daily barrage of fake or altered school documents, fraudulent work letters, and suspect marriages. DV brokers and visa fixers are a part of the landscape in Bangladesh (Ref C), and our A/RSO-I continues to work with local police on several ongoing DV fraud ring investigations.

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Occupational qualification fraud is the easiet to detect and defeat. Using the O-Net standards, adjudicators ask detailed d questions about the applicants usual work and can usually quickly identify those who qualify from those who are inflating their qualifications. Relatively few cases are referred for document verification, but in more than 70% of these marginal cases, an investigation revealed that the applicants either overstated their qualifications or submitted fraudulent work letters.

Counterfeit and/or altered school certificates are also commonplace. Post has extensive exemplar files of genuine and fake Secondary School Certificates (SSC) and Higher Secondary Certificates (HSC) from all the regional Boards of Education. These are available in both hard copy and electronic soft copy, available to consular staff through our FPU Front Page, a quasiwebsite maintained on our consular shared drive with many such resources and document guides. In the past, FPU teams made frequent visits to regional Boards to check certificates. have cultivated good relations with Board officials, an effort that pays handsome rewards in allowing us great access to the We regularly sit with these officials to brief them on counterfeits and altered documents that we have uncovered and to talk about various security features that are slowly being incorporated into Board certificates. We find that historically, certificates from the Dhaka, Comilla and Sylhet Boards are the most common counterfeits presented by applicants. In particular, we believe there is one counterfeiter who specializes in Comilla Board certificates, and we have seen many examples of his work, both in Dhaka and in documents referred from Persian Gulf posts for verification.

In October 2005, the Ministry of Education took a giant leap into

the 21st century by establishing a website for on-line verification of certificates, www.educationboard.gov.bd. website allows verification of certificates issued after the computerization of Board records, generally from the mid-1990s. To access a record, you must enter the Board name, the year of the test, the type of test, and the students Roll Number, all of which are found on the certificate. From October 2005 to January 2006, we ran all Board checks in parallel to verify that the results of the on-line check were consistent with the physical Board records, and we found that on-line checks had a 100% match to the physical records check. In many suspect certificates the biographic information did not match the online check, indicating that a physical change may have been done at the Board, after the applicant won the DV in order to match the winning DV entry. Since the online check is so easy, we have changed our processing of DV cases, and the DV unit now conducts a check of all possible education certificates before interview. While we must still check older certificates at the Boards, we anticipate a 50% reduction in the number of cases referred to the FPU for verification. We will also randomly select one week a quarter when all certificates will be sent for physical check in order to continue to validate the accuracy of the data base.

Since DV winners automatically become the most eligible of potential spouses, many of our cases involve winners who married after winning the DV. As previously discussed, the tradition of settled marriages makes it extremely difficult to distinguish between traditional arranged marriages and marriages for immigration purposes. Again, we rely on the usual array of secondary evidence to establish that a genuine marriage exists.

16. ACS and PASSPORT FRAUD: We have extremely low incidence of fraud in these areas. Rarely, we will have a CRBA case where DNA testing shows that the alleged AmCit father is not actually the father. This year, we are aware of three instances where imposters attempted to use a US passport to travel to the US. One was an imposter case, and the other two are more conventional cover or photo-sub cases. In 2004, we also had four such cases, one imposter and three photo- or cover-subs. However, the most recent case has an unusual twist in that the true bearer of the cover-subbed passport is a Bangladeshi-American with a history of

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losing passports. According to PIERS, the holder claimed that the passport had been during a home invasion in February 1999. However, while reviewing the case, Post FPM found one of the other passports in our files that the holder claimed was lost on a subway in New York City in September 1994. The British Airline Liaison Officer (ALO) had intercepted the passport in the possession of an imposter on November 14, 1994 in Dhaka. This passport had a variety of entry and exit stamps, showing that someone entered Bangladesh on May 31, 1994, and then stayed until November 14, 1994. We found it remarkable that the passport was lost in New York when it never left Bangladesh.

17. ADOPTION FRAUD: Adoptions are a difficult proposition in

Bangladesh. Bangladesh civil law makes no provision for adoptions, and Islamic law prohibits all adoptions and Hindu law prohibits almost all adoptions. The only recourse is for Bangladeshi adults to apply for an order of guardianship under the 1890 Guards and Wards Act. Foreigners are not permitted to become guardians in this manner. In some cases, this order can form the basis of an IR-4 petition. Most of our fraud involves direct transfers between family members where a relative in the US seeks to adopt a cousin or nephew/niece in order to give the child a better life in the US. The family in Bangladesh generally tries to fraudulently conceal their standard of living in order to qualify the child as an eligible orphan.

There is also a tradition of social adoptions in Bangladesh where families take in orphans of relatives or foundlings and raise them as their own. The parents never regularize the childs status, and the child may not even be aware of his or her er

actual parentage. This causes very sad situations when DNA

testing reveals that one or another child may not be eligible to receive a visa in preference cases.

18. ASYLUM and other DHS BENEFIT FRAUD: Dhaka handles both VISAS 92 follow-to-join cases and requests for investigation in ongoing political asylum cases. We receive investigation requests both from DRL/CRA and directly from some DHS FDNS officers. Last year, we processed more than 100 follow-to-join cases and conducted 22 investigations. In only 3 of our investigations did we verify the documents submitted by asylum seekers. Our files are literally bulging with hundreds of cases where the FPU has uncovered document fraud in asylum cases.

Officers regularly hear admissions from derivatives that their parents or spouses asylum case is bogus. When pressed to describe the persecution that the asylee supposedly suffered, most cannot name even a single incident, or if they can describe

some incidents, they claim that no police report was ever filed. Furthermore, we encounter NIV and IV applicants, generally men, who have a history of filing a fraudulent asylum claim coupled with extensive illegal presence and/or a deportation. Generally, they sheepishly admit that the asylum claim was only a method to gain permission to stay in the US. We have also heard stories of immigration lawyers in New York who regularly advised their clients to file fake asylum claims under false identities as the best way to gain legal status in the US. All of this leads us to view asylum follow-to-join cases with some degree of skepticism. However, as per FAM guidance, we suspend our disbelief regarding the legitimacy of the basic asylum grant in most VISAS 92 cases and merely focus on the derivatives. As with many IV cases, we regularly find cases of probable and suspected age fraud among child derivatives. However, given the generous nature of CSPA relief, we rarely investigate these cases. In the very rare instances where we uncover serious information about the basic asylum claim, we forward our information to the appropriate DHS office for review.

With investigations, we generally are asked to verify police or court documents or medical certificates. As with most Bangladeshi documents, police and court documents are easily counterfeited. Fortunately, we have always been able to check such documents at police stations and courts, though we always

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strictly adhere to the standards of confidentiality for such investigations. Most often we find that the documents are completely fake, though occasionally in cases where the police records concern petty crimes, the documents turn out to be correct. Most medical certificates are nearly unverifiable, since most clinics and doctors offices keep minimal records. Last year the FPM and the Deputy Political Officer drafted an information paper on pertinent political and social issues in Bangladesh for use by DHS asylum officers. Hopefully, this information will make it easier for DHS officers to more easily sort out genuine asylum cases from the vast sea of fraudulent or spurious cases.

COOPERATION WITH HOST GOVERNMENT AUTHORITIES: Most Bangladesh government officials are helpful when approached on an individual case basis, such as a school certificate or police station check. However, at present, courts and the police are still generally uninterested and unmotivated to take steps that would hinder the ability of Bangladeshis to travel abroad in search of work. Addressing this lack of interest has been one of the key goals for our new A/RSO-I over the past six months. Our active and energetic A/RSO-I has made remarkable steps in strengthening his contacts and our links with the police, especially Special Branch which controls officers assigned to immigration duties, and the Directorate-General of Passports and Immigration with goal of institutionalizing these relationships. He has used training opportunities, both post-sponsored and Department-sponsored, as his entre in these efforts. The response has been overwhelmingly positive, and we hope to build this relationship to the point where the police will actively assist with the arrest and prosecution of offenders in serious

immigration fraud and alien smuggling cases. As an initial indication of his success in forging cooperative relationships with the right people in the police, our A/RSO-I recently obtained a large number of immigration records requested by the FPU for use in a validation study of F1/F2 applicants, the first time we have obtained this type of information.

110. AREAS OF CONCERN: Last year, Chittagong, the major southern port city, was identified as a transit point in the ongoing major international smuggling of Chinese nationals using Singaporean passports. Lacking any Western diplomatic missions to provide de

airport coverage, mala fide travelers come from Bangkok for further passage on to Dubai. The smuggling ring originally used the main international airport in Dhaka, but the efforts of the resident British ALO drove them out, forcing them to use the smaller airport in Chittagong. We continue to be greatly concerned with the lack of security with Bangladesh documents, especially passports, though we have little optimism that the government will have either the will or the capacity to adequately address the problem in the near future.

Dhaka boasts an active Anti-Fraud Working Group comprised of more than 20 members from many diplomatic missions, including all the Europeans countries, Australia, Canada and the US. The group regularly exchanges information about mala fide applicants, fake documents, and fake document vendors. The British ALO is an essential part of our efforts, providing a constant presence at the airport to detect and confiscate fraudulent travel documents of all kinds. Our A/RSO-I is working closely with the British ALO to provide additional coverage, when needed.

111. STAFFING AND TRAINING: Post has a full-time FPM who also doubles as the Deputy Consular Chief, a JO back-up, an EFM, and four, soon to be five, full-time LES. Under post policy, all fraud investigations are done by a team of one American and one FSN. We are fortunate that our JO and our EFM are both FSI-trained Bangla speakers, which helps reduce the possibilities of malfeasance or fraud during the conduct of investigations. The FPM and his alternate have taken the FPM course, and three of our four investigators have attended the FPU FSN workshop at FSI.

FPM: Robert J. Jachim (EOD: JUN 2006) Alternate FPM: Brian R. Peterson (EOD: SEP 2006) EFM: Mark L. Stillwell

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FSN Supervisor: Syed A. Reza
FSN Investigators: John B. DCosta, Maske Jannat, and Khan J.

The FPM provides detailed training to all newly-arrived officers and FSNs on current fraud trends, fraud history, and fraud indicators. The FPU offers a monthly briefing on topics of interest and the FPM provides a quarterly briefing/training, usually covering the latest fraudulent documents or trends. The FPU also maintains a local quasi-website on our consular shared drive with scanned images of genuine and fake school certificates and other personal documents, such as marriage and divorce certificates. This information is available from the desktop of all computers at the interview window.

112. Dhakas FPU is always ready to offer assistance to other posts and agencies with questions regarding Bangladeshi documents or applicants. We can be contacted through individual email or through DhakaFPM@state.gov.